

1 MR. MORGAN: I mean, if you need to,
2 you just let me know, Chief.

3 MS. JACOBS: Okay. Well --

4 MR. MORGAN: You -- I'm sorry to
5 interrupt, but you provided me these records, so I trust
6 you know --

7 MS. JACOBS: Well, let -- let --

8 MR. MORGAN: -- that they're accurate.

9 MS. JACOBS: -- him look at what
10 you're saying he provided you.

11 MR. MORGAN: Sure.

12 MS. JACOBS: And then you said these
13 are what?

14 MR. MORGAN: These are the not five
15 officers here.

16 Q. This is everybody else, all 22 other
17 officers?

18 A. That's the officers, correct, this one.
19 That's all the officers.

20 Q. And this -- no, that's -- this is all the
21 officers. This is everything done by the City of Paris
22 Police Department from October through January -- until
23 February 1 of 2016.

24 This is all the other -- this is all the
25 first shift guys, and this is all the second and third

1 shift guys, which is what these guys are. Please look
2 through those if you want to.

3 COMMISSIONER PERRAUT: So that's
4 second shift and third shift or is that just these five?

5 MR. MORGAN: That's going to be --

6 COMMISSIONER PERRAUT: You said
7 different things.

8 MR. MORGAN: -- second and third and
9 these guys. The ones in the red rubber band, and
10 they're highlighted --

11 COMMISSIONER PERRAUT: Okay. So it's
12 the whole second and third shift, not just these five?

13 MR. MORGAN: No, that's -- that's --
14 what's in the red rubber band -- I'm glad you're asking
15 this -- to clarify -- and please correct me if I'm
16 wrong, Chief -- but every single one of those sheets is
17 going to have some highlighted name, and that
18 highlighted name is one of these five officers.

19 The -- the code to this, the pink
20 highlights is the responsible officer.

21 Q. What is that, Chief?

22 A. The officer that actually initially takes
23 charge of the call, whatever it may be.

24 Q. And the yellow highlight is the responded
25 or assisted officer, and what is that, Chief?

1 A. They showed up for some point on the call.

2 Q. I think when you look through this, members

3 of the Commission, and when you look through it, Chief,

4 you're going to see the following: Since October 1 of

5 2015, all five of these guys combined, you're going to

6 have one --

7 MS. JACOBS: I object. If he's going

8 to ask a question that's fine, but it's not his time to

9 testify.

10 Q. Okay. Chief --

11 A. Yes.

12 Q. -- do you want to count these up and tell

13 me whether this is accurate, please, that for these five

14 responsible -- for responsible calls here -- they are

15 the responsible officer -- 1,619 times and assisted the

16 other officer 436 times?

17 A. I -- I can't speak to --

18 Q. Okay.

19 A. -- if that's true or not, sir.

20 Q. Do you know whether, looking at just

21 Abdullah Bholat, he's responsible for 568 of these calls

22 and assisted on 116?

23 Did you look at any of those numbers when

24 you were pouring through these video records?

25 A. No, sir, because I'm not saying they didn't

1 work.

2 Q. Okay. Lieutenant Humphries, responsible --
3 can you tell me, sir --

4 MAYOR THORNTON: Calm down, please.

5 Q. -- can you tell me whether you know whether
6 in this red rubber band here Humphries is responsible
7 for 173 calls and assisted on 80?

8 A. (No responsible.)

9 Q. Do you know that, sir?

10 A. No, I don't.

11 Q. Do you know that Puckett was responsible
12 for 124 calls and assisted on 36? Did you know that?

13 A. No, sir.

14 Q. Did you know that Dempsey -- well, I'll
15 leave off Dempsey.

16 Did you know that Primm was responsible for
17 208 and assisted on 86?

18 A. No.

19 Q. Did you know that?

20 A. No, sir.

21 Q. Did you know that Anderson was responsible
22 for 397 and assisted on 56?

23 A. No, sir.

24 Q. And for what it's worth, did you know that
25 Dempsey was responsible for 149 and assisted on 62?

1 MS. JACOBS: Objection to the
2 relevance. He's not before this Commission.

3 MR. JUETT: Sustained.

4 MR. MORGAN: Sustained, okay.

5 Q. Chief, you -- you said just a minute ago
6 that you're not -- or this Commission is not here
7 because of any claim that these guys didn't work,
8 correct?

9 A. May I explain my answer?

10 Q. Please.

11 A. My answer is, I'm not saying they didn't
12 take calls. I'm -- what I'm saying is they spent too
13 much time in this building to where they weren't
14 patrolling and taking care of the other stuff. I've
15 never said they didn't take calls.

16 Q. Point to -- tell this Commission any
17 incident in which a call went unanswered.

18 A. I -- I cannot tell you that, sir.

19 Q. Please tell the Commission where there was
20 an occasion that you know of that some crime went ahead
21 and occurred because these guys were here in dispatch.

22 A. I cannot tell you that, sir.

23 Q. In fact, would you agree with me after
24 hearing these numbers that these records support that
25 whenever a call went out these guys responded?

1 A. Again, sir, I didn't say they didn't
2 respond to calls.

3 Q. Chief, let me -- let me make sure we're all
4 real clear on -- on things, because this building --
5 just so the Commission members are clear on this --
6 downstairs is -- is where dispatch is?

7 A. Correct.

8 Q. Just a little -- about 50 yards maybe from
9 here, about the middle of this hallway?

10 A. Correct.

11 Q. And headquarters is on the third floor of
12 this same building, kind of pretty much straight up
13 above us, correct?

14 A. Well, if you're referring to what I
15 consider headquarters, I consider this building
16 headquarters.

17 Q. Okay. And to be real clear about this, in
18 these -- in your list of -- on this disciplinary
19 charges, when you -- it really pertains to Humphries and
20 Puckett --

21 A. Yes, sir.

22 Q. -- where you complain about them being in
23 headquarters too long?

24 A. Yes, sir.

25 Q. When you say that they are in headquarters

1 for, let's say, four hours --

2 A. Yes, sir.

3 Q. -- and dispatch for, let's say, one hour --

4 A. Yes, sir.

5 Q. -- does that mean they're in this building
6 for a total of five or really they're here for four,
7 rather one hour in dispatch and three presumably in
8 headquarters?

9 A. No, sir, the -- the totals I have under
10 headquarters is the total time here --

11 Q. Okay. Total --

12 A. -- including dispatch.

13 Q. So if -- if you say that they're in
14 headquarters for four hours and dispatch one, they're in
15 this building for four hours?

16 A. Correct.

17 Q. These lieutenants are -- they're
18 supervisors.

19 They look over paperwork to make sure it's
20 accurate, correct?

21 A. There is some hard paper.

22 Q. Okay. Well, let's say Primm makes an
23 arrest.

24 A. Yes.

25 Q. Humphries is his lieutenant. Primm does

1 paperwork, fills out the arrest report and everything.

2 That goes to Humphries -- yeah,

3 Humphries -- to review, correct?

4 A. It would be transmitted through the
5 computers, yes, sir.

6 Q. Okay. For Humphries to review, correct?

7 A. Correct.

8 Q. Okay. And that's because presumably if
9 Primm has made an arrest, somebody is charged with a
10 crime, right?

11 A. Correct.

12 Q. And those people have rights, correct?

13 A. Yes, sir.

14 Q. And those -- you want to make sure that the
15 police is representing what happened fairly and
16 accurately, correct?

17 A. Absolutely.

18 Q. That's part of the reason why the
19 lieutenant reviews what the patrolman has written up in
20 the report, correct?

21 A. Yes, sir.

22 Q. And that happens at headquarters, correct?

23 A. No, sir.

24 Q. It doesn't?

25 A. No, sir.

1 Q. Where does the lieutenant review the
2 reports?

3 A. Wherever his MDT is.

4 Q. And MDT is a mobile --

5 A. Mobile data --

6 Q. -- data --

7 A. -- terminal, which --

8 Q. Kind of like that, right?

9 A. -- which we put in their cars, yes, sir.

10 Q. It's like a laptop computer?

11 A. Correct.

12 Q. So are you telling the Commission that the
13 lieutenant should stay in his cruiser the whole time
14 looking on his laptop to review reports from the
15 police --

16 A. No.

17 Q. -- from his patrolmen?

18 A. At certain times during the night they will
19 do a transmittal, because it doesn't automatically come.
20 They'll go to their MDT and do a transmittal, which will
21 bring the reports to them all at once.

22 Q. Okay. In the position description for a
23 police lieutenant is there -- does it say in here that
24 the lieutenants should not review reports at
25 headquarters?

1 A. No, sir.

2 Q. Is there anything wrong with a lieutenant
3 looking at reports at headquarters?

4 A. If they could be out on the street, that's
5 where I would prefer them.

6 Q. Okay. But that's -- my question was not
7 what you would prefer.

8 I'm asking, is there something wrong?

9 A. There is no policy saying that they can't.

10 Q. They cannot what?

11 A. Review reports at headquarters.

12 Q. Okay. How do you know that's not what
13 Puckett and Humphries were doing in these hours that
14 they were here at headquarters?

15 A. Truthfully, looking at their shift reports,
16 I can't tell you how many I got, no significant
17 activity, so to me, there's not that much activity going
18 on --

19 Q. Well, when you --

20 A. -- that they reported to me anyway.

21 Q. Okay. All right. Fair enough. But when
22 you compare what everybody else -- what the first shift
23 is doing compared to what the second shift in the same
24 time frame, you're saying that these lieutenants aren't
25 that busy?

1 A. (No response.)

2 Q. They don't have enough reports?

3 A. I think we've -- I have seen enough video

4 to say that they aren't that busy.

5 Q. Okay. Let's be real clear about some

6 things on the -- on dispatch, sir, for -- for the sake

7 of the Commissioners.

8 When someone has a call --

9 A. Yes, sir.

10 Q. -- they call 911, it comes to dispatch,

11 correct?

12 A. Yes, sir.

13 Q. When someone wants -- they don't

14 necessarily call 911; if they call the police to report

15 something happening, it comes here, correct?

16 A. Correct.

17 Q. It comes to dispatch?

18 A. Yes, sir.

19 Q. If KSP is calling for assistance, it comes

20 here; if some other sister law enforcement agency calls

21 for help it comes to dispatch, and then it goes out to

22 the officers to do something about it, correct?

23 A. Yes, sir.

24 Q. This is the -- dispatch is -- is the nerve

25 center?

1 A. Dispatch is, yes, sir.

2 Q. And when an officer is in dispatch and a
3 call comes in, they're going to be in a position to be
4 really first line of response, they're going to be the
5 first ones to hear about this, correct?

6 A. Not particularly, because if you're in
7 dispatch, you're going to be listening to the call.
8 You're not going to run to your car, because if you do
9 that, the dispatcher still has to give you the rest of
10 the call --

11 Q. Okay.

12 A. -- so you're going to sit there and listen
13 to the call and then go.

14 When -- when you're out on the street and
15 the dispatcher gets the call, they radio it to you, so
16 they still have a mechanism to get the call --

17 Q. Okay.

18 A. -- right away.

19 Q. And -- and do you agree with me that this
20 building here is pretty much centrally located in Paris?

21 A. Yes, sir.

22 Q. And if somebody is patrolling and they're
23 down by the Bypass, they're not going to be so close to
24 the north side of town as they would be if they were
25 here in the central part of town, correct?

1 A. That is correct.

2 Q. You agree with me then by that logic that
3 if someone is down at the Bypass at Walmart and there's
4 a call for something up on the north side of town, a
5 person in the central part of Paris is going to get to
6 the north side faster than a person on the south side of
7 town?

8 A. Possibly.

9 Q. Chief, you said -- Chief, you said that you
10 had become chief here in June -- June 1 of '15, correct?

11 A. Yes, sir, that's correct.

12 Q. And you worked as an assistant chief for
13 how long here in Paris?

14 A. For five -- or four and a half years.

15 Q. Four and a half years?

16 A. Yes, sir.

17 Q. Was that always as an assistant until you
18 became the high chief --

19 A. That's correct.

20 Q. -- or the chief?

21 A. Yes, sir.

22 Q. Okay. And you had no idea, had never heard
23 about any complaints -- I'm sorry; let me -- let me
24 rephrase this.

25 As assistant chief what were your job

1 duties?

2 A. Several. I've got to review policy, make
3 sure that our policies are up to date, enforce rules and
4 regulations, to make sure we're working the right
5 schedules, to make sure the schedules are filled, to
6 make sure I've got the people in place where we need
7 them.

8 Q. Okay.

9 A. That's just a few.

10 Q. Sure. And I -- and I imagine as assistant
11 chief you're also keeping track of performance of
12 employees, correct?

13 A. The performance appraisals do come to me,
14 yes, sir.

15 Q. And -- and we heard you a few minutes ago
16 talk about how the -- the issues with dispatch are just
17 chronic, just it's been long-standing, going on for a
18 long time, correct?

19 A. I never said -- there's issues. I didn't
20 know the extent of the issues. I didn't know that it
21 went to the extent of what I saw on the video.

22 I had heard grumblings every now and then,
23 hey, so-and-so is hanging out in dispatch too long, and
24 we would talk about it in a staff meeting or put out an
25 email, make sure you guys aren't -- aren't in dispatch,

1 but until I looked at the video I had no clue how -- how
2 chronic it was.

3 Q. In the four and a half years that you were
4 assistant chief you had no idea?

5 A. No, sir --

6 Q. It wasn't until you became --

7 A. -- not to that extent.

8 Q. It wasn't until, I guess, almost six months
9 into your present position, correct?

10 A. Correct. Yes, sir.

11 Q. Okay. Before we move on to something else
12 I -- I want to ask you just a few questions about your
13 review of these -- of this video, because we've seen how
14 painstaking it is.

15 A. Yes, sir.

16 Q. And it's not just video from dispatch that
17 you reviewed; you also reviewed video from the --

18 A. Outside --

19 Q. -- back lot?

20 A. -- yes, sir.

21 Q. And you had -- and I guess you reviewed
22 that in real time? If it was one second -- I'm sorry;
23 if it was five minutes of video, you watched five
24 minutes of video? You didn't --

25 A. No, sir.

1 Q. -- condense it?

2 A. No. And like I explained on the video,
3 it's about four times faster even in real time, but if
4 you slow that down, then it's like slow motion. There's
5 no in between.

6 So on the setting we had was fast time,
7 like four times faster than real time.

8 Q. Right. So you're watching minute for
9 minute?

10 A. No, four times faster than minute --

11 Q. Oh, so you'd get four -- all right.
12 So people are walking real fast, things
13 like that?

14 A. Yes, sir.

15 Q. That's on the outside, not on the inside --
16 not on dispatch, though? On the outside video?

17 A. Both, sir.

18 Q. Okay.

19 A. And I could fast forward it. As long as I
20 could see the officer there, I could fast forward until
21 they got up. Then I would rewind and make sure I had
22 the times correct.

23 Q. Sure. About how long do you think you
24 spent doing this investigation?

25 A. The entire investigation or just viewing

1 the video?

2 Q. Viewing the video -- viewing the video of
3 dispatch.

4 A. Viewing the video of dispatch was probably
5 two and a half to three weeks of doing nothing every
6 day -- including weekends -- but watching video.

7 Q. Was that an efficient use of your time?

8 A. Absolutely not. I wish I could have been
9 doing something else, but it's something that I had to
10 do.

11 Q. And during those two and a half, three
12 weeks or so -- where you agree that it's an inefficient
13 use of your time -- you say nothing to these officers,
14 correct?

15 A. No, sir, I didn't.

16 Q. And these guys are still working, correct?

17 A. That's correct, sir.

18 Q. Does -- that two and a half, three weeks
19 that you're talking about, that's -- that's dispatch and
20 the outside video?

21 A. It was probably -- with the other video it
22 was just probably a day or so past three weeks.

23 Q. Three weeks?

24 A. Yes, sir.

25 Q. Okay. Let's -- let's say that you've

1 got -- you're looking at second and third shift, so
2 that's 16 hours a day of video, correct?

3 A. Correct.

4 Q. And you're looking at just, let's say, 30
5 days of 16 hours of video.

6 That equals 480 hours of video?

7 A. Yes, sir.

8 Q. And if you watch 24 hours of video a day
9 for 21 days, that equals 504 hours of video?

10 A. Yes, sir.

11 Q. So that means you're watching this video
12 around the clock?

13 A. That's if I do it minute for minute, but
14 I've already told you I -- I could speed it up and --

15 Q. Well --

16 A. -- control the speed.

17 Q. -- you mentioned you'd speed it up and then
18 you also mentioned that you would have to back up and
19 write down times.

20 A. Back up for a few minutes, but since there
21 was hours that I was watching that the officers -- their
22 car was outside, I could speed up two or three hours at
23 a time and then when I saw it leave I could back it up
24 to get the exact time.

25 Q. Would you just skip that -- those two or

1 three hours?

2 A. Would I skip them? No, sir. I just
3 watched them in fast time.

4 Q. Okay. Well, all right. I'll give you --
5 let's say you watched -- you can watch four hours --
6 four minutes in one minute, but you watch it twice,
7 correct?

8 A. Yes, sir.

9 Q. So your -- your savings are cut in half,
10 because if it takes you two minutes, you're now spending
11 two minutes to watch four minutes of -- of each video,
12 correct?

13 A. No. I said it was about four times, so
14 that would be eight minutes per two minutes, correct?

15 Q. No. If we're talking four minutes --
16 you're able to watch in one minute four minutes of
17 video?

18 A. Yes, sir.

19 Q. Okay. But you're having to watch it twice?

20 A. Yes, sir.

21 Q. At least twice, because you've said in many
22 instances you went back and viewed it more than twice?

23 A. There were certain occasions that I did
24 look at them more than once -- more than twice.

25 Q. Okay. So let's go back to this analysis

1 here, and I'm only talking about 30 days of video, not
2 October, November and December --

3 A. Yes, sir.

4 Q. -- which is closer to 90 days of video.
5 All right?

6 A. Yes, sir.

7 Q. So with 24 hours a day -- I'm sorry; 16
8 hours of video for 30 days is 480 hours. Let's cut that
9 in half, so that's only 240 hours of video that you
10 watched -- that you've said that you watched twice --

11 A. Yes, sir.

12 Q. -- not even having to go back.

13 So you are spending -- if you just do
14 twenty-four hours a day watching nothing else, doing
15 nothing else, that's ten hours to watch just thirty days
16 of video?

17 A. Yes, sir.

18 Q. Correct?

19 A. (Nods head.)

20 Q. I'm sorry; ten days doing nothing else for
21 twenty-four hours to watch thirty days of video?

22 A. Well, again, not with -- where I can speed
23 it up. If nobody is in dispatch, I can speed through
24 that until somebody comes in. So your times -- I'm
25 saying it's four times faster watching it as we watched

1 it today.

2 Q. Understood. Understood.

3 A. It's much faster -- if nothing is happening
4 and I could see nothing is happening, I can speed
5 through that, so --

6 Q. So it's even faster than four times?

7 A. If I watched it the way we watched it
8 today, your numbers are probably correct, sir.

9 Q. And that's only for 30 days?

10 A. Yes, sir.

11 Q. And you looked at 90 days?

12 A. I did -- every day of it.

13 Q. Chief, this started -- your investigation
14 began -- well, let me -- let me back up.

15 Before your investigation began in -- I
16 guess it was December or January -- whenever that was --

17 A. December.

18 Q. In December, okay.

19 A. That's when I got the initial complaint,
20 yes, sir.

21 Q. All right. Back in November -- in the
22 middle of November -- you came to the Paris Police
23 Department and said you're going to a 12-hour shift,
24 correct?

25 MS. JACOBS: I'm going to object to

1 the relevance of -- of that. The motivation is not
2 relevant in any way.

3 The only thing this Commission has to
4 decide is whether the evidence supports a finding that
5 policies were violated. That's all, that's it, and so,
6 you know, other things are simply not relevant.

7 MR. JUETT: I -- I would agree that
8 the relevance is questionable. I do think you've
9 already gone beyond that a little bit, so we -- I'll
10 give you a little leeway with it --

11 MR. MORGAN: Okay.

12 MR. JUETT: -- but if you'll move
13 quickly --

14 MR. MORGAN: Sure.

15 MR. JUETT: -- and get to the point.

16 MR. MORGAN: Yeah.

17 Q. Chief, let me show you a letter on City of
18 Paris Police Department letterhead.

19 MR. MORGAN: And this will be marked
20 as Exhibit Number 2. Here's one for each of the
21 Commissioners.

22 (Defendants' Exhibit No. 2 was marked
23 for identification.)

24 Q. Chief, tell the Commission what that is,
25 please.

1 A. I've never seen this before, sir.

2 Q. Never seen it before?

3 A. No, sir.

4 Q. Okay.

5 A. I had heard that there was such a letter,
6 but I had never received that letter.

7 MS. JACOBS: Again, I'm going to
8 object to the relevance. It has nothing to do with how
9 much time they were spending in dispatch or sitting
10 around in headquarters with the cars running, which are
11 the charges -- nothing whatsoever to do with that.

12 MR. MORGAN: Okay. Well, he says he
13 hasn't seen it, so I'll move on.

14 (Defendants' Exhibit No. 3 was marked
15 for identification.)

16 Q. Chief, let me show you what will be marked
17 as Exhibit Number 3, and tell us whether you've seen
18 this, please?

19 A. Yes, sir.

20 Q. You have seen that?

21 A. I have.

22 Q. And that is a memo that you ordered
23 Lieutenant Dempsey to write up regarding the meeting
24 about the complaint regarding going to the 12-hour
25 shifts, correct?

1 MS. JACOBS: Objection. It's
2 irrelevant. It has nothing to do with time in dispatch.
3 It has nothing to do with the charges that are before
4 us.

5 MR. MORGAN: If I may, members of the
6 Commission, this -- this is entirely why we're here is
7 because these officers, as you see in Exhibit
8 Number 2 -- well, you may have a hard time reading those
9 signatures, but --

10 MS. JACOBS: I'm going to --

11 MR. MORGAN: -- every one of these --
12 I'm almost done -- every one of these officers signed
13 this document, and then the evidence will show that the
14 police chief actually went out and started investigating
15 this to see who said what when and why and where, and
16 then as a result of that --

17 MR. JUETT: Well --

18 MS. JACOBS: If I may --

19 MR. JUETT: -- Mr. Morgan, the case
20 law is clear that alternative motives really are not at
21 issue in a disciplinary hearing like this.

22 The question in this hearing is
23 whether there is substantial evidence to support the
24 charges that there were violations of policies are true
25 and -- and to support -- substantial evidence to support

1 a finding that they have actually violated departmental
2 policies or City policies, and the case law is clear
3 that anything about alternative motives is not relevant
4 to that inquiry.

5 MR. MORGAN: Well, I -- I respectfully
6 disagree. I think the fairly recent case of Triplet
7 talks about how the -- in an administrative hearing the
8 person is allowed -- the person is allowed to present
9 evidence.

10 Also what we're talking about is under
11 15.520, which does permit evidence to come -- evidence
12 even to be proffered to the tribunal showing reasons why
13 the officer has been -- has been disciplined, because
14 we're in a different level here because of the peace
15 officer's Bill of Rights.

16 In all due respect, I believe these
17 officers are very much entitled to show why they alone
18 have been singled out for termination and in every
19 single instance termination is the only right thing.

20 MS. JACOBS: Let me respond so that we
21 can stop the testimony by Mr. Morgan. The case law is
22 quite clear from 2015 with respect to a 15.520 hearing
23 that whether this Officer Gilberson was wrongfully
24 terminated for whistle blowing is not relevant to
25 whether there was substantial evidence that he violated

1 the police department's rules and regulations.

2 There's nothing in 520 that talks
3 about proffering evidence at this level. If they choose
4 to appeal whatever action this body takes, that's the
5 time to do that, but in this hearing it is not relevant.

6 MR. JUETT: I agree with you, and so
7 if you'll stop that line and move on, please.

8 MR. MORGAN: Will do. Note -- note
9 our objection.

10 Q. Chief, you told us about the email that
11 went out to the officers regarding just being in
12 dispatch?

13 A. Yes, sir.

14 Q. What day was that email sent?

15 A. I believe it -- I'd have to look, but I
16 believe it was the 8th maybe.

17 Q. December 8?

18 A. Yes, sir.

19 Q. Okay.

20 A. Yes, sir, that's correct, December the 8th.

21 Q. Do you have a copy of that email with you,
22 sir?

23 A. No, sir, I do not. I'm sorry.

24 Q. Okay. But that -- that email is what
25 you're relying on as -- as providing notice to these

1 officers that they need to stop hanging out in dispatch,
2 but we don't have a copy to give to the Commission?

3 A. (No response.)

4 Q. You don't have a copy to give to the
5 Commission?

6 A. I didn't have a copy, sir. That wasn't
7 sent by me. I didn't have a copy.

8 Q. You directed it to be sent, correct?

9 A. Yes, sir, I did.

10 Q. Okay. But you didn't keep a copy of it?

11 A. I'm sure I kept a copy in my folder in
12 email.

13 MS. JACOBS: I believe you've been
14 provided a copy, have you not, Luke?

15 MR. MORGAN: I'm not saying I don't
16 have it. I'm -- I think that -- my position is if
17 the -- if the chief wants to say to the Commission, this
18 is such a significant watershed event to have this email
19 sent, that the Commission should see what it is.

20 Q. Nevertheless, Chief, let me move on.

21 You did write up a report, sir,
22 investigation of officers in dispatch center, correct?

23 A. Correct.

24 Q. Do you have that in front of you?

25 A. I do.

1 Q. Okay. The beginning of this report says,
2 on 12/11/2015, Captain Rick Elkin reported that
3 dispatcher Natalia Lorado had approached him stating
4 that while training with dispatcher Taylor Douglas on
5 the night of December 5, 2015, several officers remained
6 in dispatch for a large portion of their shift, correct?

7 A. Correct.

8 Q. But the email that you -- you've told us
9 about, that comes out from Elkin.

10 You've directed that to be sent on
11 December 8, correct?

12 A. That is correct.

13 Q. And that's three days before you say
14 anything in here about Captain Elkin reporting about
15 dispatcher Lorado?

16 A. You -- you're correct, sir.

17 Q. And in fact, you don't mention anywhere in
18 here in your investigation that an email had been sent
19 on December 8, do you, sir?

20 A. No, sir.

21 Q. You left that part out? You left out that
22 an email had been sent, but you do put in here that some
23 three days after this email was sent that somebody
24 approached Captain Elkin, correct?

25 A. Correct.

1 Q. Okay. Where is Captain Elkin's report?
2 A. He didn't have a report, sir.
3 Q. You didn't have him write up anything?
4 A. No, sir. I asked him to pull the video for
5 me.
6 Q. Okay. Where is dispatcher Natalia Lorado's
7 or dispatcher Taylor Douglas' report about this thing
8 that happened on -- on or about December 5?
9 A. There is no report, sir.
10 Q. Why not?
11 A. They made a complaint -- a verbal
12 complaint. That complaint was relayed to me, and I
13 investigated it.
14 Q. So both of these officers -- both Douglas
15 and Lorado, these dispatchers, they complained?
16 A. No, sir, I -- I didn't --
17 Q. Only Lorado?
18 A. -- I didn't say that dispatcher Douglas had
19 complained.
20 Q. All right. Who complained?
21 A. Dispatcher Lorado had complained to -- to
22 Captain Elkin.
23 Q. Did you talk to Lorado?
24 A. I did not. I just asked for the video to
25 be pulled so I could see for myself.

1 Q. So in this investigation you don't ask for
2 other people to write up anything; you're taking it on
3 what -- what you've been told verbally --

4 A. When I have --

5 Q. -- right?

6 A. When I have video, yes, sir.

7 Q. Okay. Well, Chief -- okay. But the simple
8 answer is you don't have a report from any of these
9 other persons?

10 A. No, sir.

11 Q. All right. You say that while -- going
12 back to your report, sir -- while reviewing the video
13 from the night of December 5, 2015, I observed Officer
14 Anderson stretched out in a chair for an hour and
15 eighteen minutes, Officer Bholat for one hour and
16 fifty-eight minutes, Officer Castle for one hour and
17 fifty-four minutes, Lieutenant Dempsey two hours,
18 thirty-seven, and Officer Primm laying back in a chair
19 for seven hours and thirty-one minutes.

20 Officer Primm and Officer Anderson appear
21 that they may have possibly been sleeping for part of
22 this time.

23 A. That's correct, sir.

24 Q. Isn't it true that Officer Anderson turned
25 in a sick request on -- on December 5 for five hours --

1 A. To?

2 Q. -- that day, sir?

3 A. I'm not clear on that if he did, sir. He
4 would have --

5 Q. Well, let me show you.

6 A. -- he would have turned it in to his
7 lieutenant, not me.

8 Q. Well, did you look that -- did you look for
9 that in your investigation --

10 A. I did --

11 Q. -- Chief?

12 A. -- look for times, yes, sir, when they
13 called in sick so I didn't think that they were
14 working --

15 Q. Okay. Did --

16 A. -- and --

17 Q. -- did this leave request -- did this leave
18 request make it into your -- it did not make it into
19 your report, did it, Chief?

20 A. No, sir. Apparently I didn't find that
21 leave request.

22 (Defendants' Exhibit No. 4 was marked
23 for identification.)

24 Q. Have you seen that before, Chief?

25 A. No, sir.

1 MR. MORGAN: Was the chief's
2 investigative report given to the Commission members?

3 MS. JACOBS: Yes.

4 MR. MORGAN: Okay. Great. This is --
5 what I'm handing out here is a copy of Anderson's leave
6 request.

7 MS. JACOBS: Well, again, I don't --
8 he said he hadn't seen it. I think somebody else is
9 going to have to testify about it.

10 Q. Okay. Going back to your report, Chief,
11 you say, all officers have been advised on several
12 occasions that the only time they are to be in the
13 dispatch center is for official business or to eat their
14 lunch or dinner.

15 There has been a standing order that these
16 visits should last no longer than 20 to 30 minutes with
17 very few exceptions.

18 Where is that standing order?

19 A. A standing order means that it -- it is
20 known. There -- there is paperwork showing it, but it's
21 not in policy, but it's like a standing order that you
22 don't go home for five hours.

23 Q. Okay.

24 A. It's a standing order.

25 Q. This is a standing order -- I think you

1 said like a standing order?

2 A. No, I think I said a standing order.

3 Q. Okay. What policy in the police -- in the
4 Paris Police Department's policy and procedure
5 regulations does it say anything about being in
6 dispatch?

7 A. There -- there is no policy, sir.

8 Q. But --

9 A. That's why I said --

10 Q. But you've been --

11 A. -- a standing order.

12 Q. Okay. But you're telling us that this has
13 been something that's been going on for years, but --
14 and you were in charge as assistant chief, in charge of
15 making sure that regulations and policies that needed to
16 be put in place were in place --

17 A. Yes, sir.

18 Q. -- correct?

19 A. Yes, sir.

20 Q. You did not put in a policy or regulation
21 pertaining to dispatch while you were assistant chief,
22 did you?

23 A. No, sir, I didn't.

24 Q. Didn't do it as the chief, did you?

25 A. No, sir, I didn't.

1 Q. Going back to your report, it says, this
2 standing rule -- so is it a standing order or standing
3 rule? Is it -- are those -- is that synonymous?

4 A. They call -- I say standing -- it should
5 say a standing order.

6 Q. Okay. Well, anyway, it says here, the
7 standing rule has been in place for at least the past
8 five years and is also included in the E 911 standing
9 operating procedure manual.

10 For the sake of the Commission members,
11 the -- correct me if I'm wrong, please, but the E 911
12 standing operating procedure is what the dispatchers
13 have, correct?

14 A. Correct. Yes, sir.

15 Q. Not what the officers -- the patrol
16 officers have, correct?

17 A. That's correct, sir.

18 Q. This order is in effect for -- going back
19 to your report it says, this order is in effect for on
20 and off-duty officers and extends to off-duty
21 dispatchers.

22 And when you say this order, is that the
23 standing rule or standing order you're referring to?

24 A. Yes, sir, it is.

25 Q. That's not in writing; it's just known --

1 A. Yes, sir.

2 Q. -- correct?

3 A. That's correct.

4 Q. So is that the reason why when Primm or
5 Bholat go to dispatch even on their days off they're
6 still being punished for going to dispatch? Is that --
7 is that what you're saying?

8 A. Yes, sir, because it has been discussed
9 about they are not to be in there on or off duty,
10 because it's still -- even if they're off duty the --
11 the dispatchers are still in there working. They
12 don't -- do not need -- they need to be focused on their
13 job.

14 Q. Sure. I understand that. Please tell the
15 Commission members any incidents that you saw on all the
16 500 hours of video that you saw where the dispatcher
17 failed to do their job for any reason.

18 A. With regard -- sir, I don't have audio. I
19 don't know if they had to take a call a second time. I
20 don't know if they had to jump down. I don't know. I
21 don't have the audio. All I have is video.

22 Q. Okay. Well, you have radio logs, right?
23 We've seen those?

24 A. Correct.

25 Q. Do you have any incidents, anything that

1 would suggest to you that the dispatcher is somehow
2 distracted?

3 A. I can't -- I can't say that that happened
4 and I can't say that it didn't.

5 Q. The -- the order or standing rule regarding
6 off-duty officers, that -- well, neither that nor any of
7 these standing orders or standing rules has anything
8 with your signature on it, correct?

9 A. Well, a standing order you've already said,
10 sir, it's not written, it's -- it's known --

11 Q. It's just known?

12 A. -- so my signature would not be on
13 something that's known.

14 Q. Do you agree with me that if something is
15 so important that it means that a person should be fired
16 from the job that they have trained for, that they've
17 done for anywhere from five to eighteen years, a job
18 that a city has paid a few thousand dollars to send them
19 off to Richmond for training and invested in these
20 persons, do you think that -- do you agree with me that
21 for those persons, they should be given some type of
22 written notice about an offense that is so egregious, as
23 you've said, that they've got to be fired for it?

24 A. Yes, sir. Like I've explained, I believe
25 that with the standing order that that -- this was a

1 blatant disregard and a dereliction of duty.

2 Q. Okay. With the standing order, with the
3 verbal everybody-knows-it-but-it's-not-in-writing
4 order --

5 A. Absolutely.

6 Q. -- that's good enough to fire a career
7 professional?

8 A. Yes, sir, it is, when it reaches this
9 level.

10 Q. When it reaches this level?

11 A. Yes, sir.

12 Q. Okay. Going back to this issue about
13 the -- the dispatchers and -- and where they are
14 distracted, you're the chief, right?

15 A. Yes, sir.

16 Q. If you say to a dispatcher, tell me
17 something, they better tell you, correct?

18 A. Yes, sir.

19 Q. You didn't ask any of these dispatchers
20 about any time they had been distracted, correct?

21 A. Again, sir, I --

22 Q. That's a yes-or-no question, sir.

23 A. Okay.

24 MS. JACOBS: Then let him explain his
25 answer.

1 A. Well, sir --

2 MR. MORGAN: You can do that on

3 redirect.

4 A. -- I'll -- I'll say no, I don't, but I

5 would like to explain my answer.

6 Q. Okay. You -- let me be real clear, and

7 I'll let you explain.

8 A. Okay.

9 Q. You did not ask any of these dispatchers

10 whether they had ever been distracted, correct?

11 A. No, sir, I didn't.

12 Q. Why not?

13 A. One, because that is -- that is not what

14 they're being charged with. That rule is in place --

15 that is one of the reasons.

16 Now, can I say that it's ever happened in

17 the past? No, sir, but to prevent it from happening in

18 the future the officers needed to stay out of there,

19 because all it takes is one time.

20 Q. And -- and you don't have an example of

21 even one time, correct?

22 A. No, I don't, but that doesn't mean that it

23 could not happen.

24 Q. Go back to your report here --

25 A. Yes, sir.

1 Q. -- Chief. On the third paragraph you say,
2 after observing this conduct I contacted the IT
3 department for the City of Paris and requested that they
4 add the software for the cameras to mine and Assistant
5 Chief Best's computers.

6 A. Correct.

7 Q. Up until this point the cameras could only
8 be viewed in dispatch.

9 So this allows you to look at these things
10 in your office, correct?

11 A. Correct.

12 Q. And how much money did that cost for the
13 City of Paris to rig up your computer with software and
14 hardware for all of that?

15 A. Nothing, sir.

16 Q. It was free?

17 A. Yes, sir.

18 Q. Okay. After -- or do you know? Do you
19 know whether there were --

20 A. No.

21 Q. -- any charges?

22 A. No, sir. It was free.

23 Q. Okay.

24 A. They just had to install the software that
25 they already had.

1 Q. Okay.

2 A. There was no hardware involved.

3 Q. All right. After this was completed myself
4 and Assistant Chief Best began reviewing the video from
5 previous months.

6 Video was only archived to October 1 --
7 October 1, 2015. Videos were reviewed for each day and
8 a log completed for each officer as to the time they
9 were in the dispatch center. That -- that's what it
10 says.

11 Nowhere in this paragraph, though, Chief,
12 does it say anything about how the video starts falling
13 off, does it?

14 A. No, sir, it doesn't.

15 Q. You did not put that in your report, did
16 you?

17 A. No, sir, I didn't.

18 Q. Why not?

19 A. At this point, actually, I was concerned
20 about losing the video. I contacted the IT department.
21 I contacted Sean Jacobs here in the building -- he's the
22 one that usually makes the recording for us -- and I
23 asked him if he could copy everything, but no, sir, I
24 didn't -- did not note that in my report.

25 Q. Okay. And my -- my question was, why not?

1 A. I -- I just didn't see it relevant, sir.

2 Q. It's not relevant. It's not relevant that
3 you're relying on things that you say that you saw and
4 you're charging these gentlemen with, but -- I'm almost
5 done --

6 A. Yes, sir.

7 Q. -- but it's unavailable for their review
8 now, correct?

9 A. There's --

10 Q. It's just gone, right?

11 A. There are five days unavailable. That's
12 about the time I saw that it was falling off. I took
13 steps at that time to preserve everything.

14 Q. Okay. But it's not documented in here,
15 correct?

16 A. No, sir, it's not.

17 Q. And before I forget, you never showed any
18 of the video to any of these officers, did you?

19 A. No, sir, I didn't.

20 Q. Why not?

21 A. At that point, after the charges, they were
22 given to you, and I assumed that you showed them the
23 video.

24 Q. No, my -- all right. Well, you gave them
25 charges on Friday, February the 5th, correct?

1 A. (No response.)

2 Q. Is that when you gave them -- or they were

3 given --

4 A. No.

5 Q. -- notice?

6 A. Notice?

7 Q. Right, notice.

8 A. No. Their notice was given February 9.

9 Q. February 9?

10 A. Yes, sir, Monday.

11 Q. That's notice of their termination, right?

12 A. Yes, sir.

13 Q. Okay. The Friday before that, I said

14 that --

15 A. Their 48-hour notice --

16 Q. Their 48-hour notice.

17 A. -- asking for a response, yes, sir.

18 Q. At that point in time you never made any of

19 the video -- sorry -- anything else available to these

20 officers, did you?

21 A. No, sir, I didn't.

22 Q. And you told them, you've got the weekend

23 to answer questions --

24 A. Yes, sir.

25 Q. -- correct?

1 A. Correct.

2 Q. But you didn't show them the proof,
3 correct?

4 A. That's correct. I did list it out. I told
5 them what I wanted.

6 Q. Chief, in looking at your investigation
7 here I notice one thing here, there's no date on this.

8 A. Oh, on the -- on my document?

9 Q. On your thing that's called an
10 investigation of officers in dispatch center, submitted
11 by Chief R.A. Williams.

12 A. You're correct, sir. That -- that's
13 probably an oversight, but it is a working document that
14 I added to as I went along.

15 Q. Okay. You haven't signed it either, have
16 you?

17 A. No, sir.

18 Q. You mention it's an oversight, correct?

19 A. Putting the date on it, yes, sir.

20 Q. Because I would say that standard police
21 practice requires that you should date things --
22 particularly if you're adding things to it, correct?

23 A. This was my investigation. This was for me
24 to go through, see what I had done, to make sure I was
25 doing what I should and following the steps and seeing

1 if there was anything else I needed to do. This was my
2 synopsis of what I had done.

3 Q. Okay. Well, it may -- that might be, but
4 now it's the Commission's.

5 A. Yes, sir.

6 Q. You're relying on this? You've given this
7 to the Commission --

8 A. Yes, sir.

9 Q. -- for them to rely upon?

10 A. Yes, sir.

11 Q. And they don't know when you did certain
12 things, correct?

13 A. They don't know when I typed it out, yes.

14 Q. Well, or when you -- when you added to
15 this.

16 You just mentioned this is a document and a
17 work in progress?

18 A. Yes, sir.

19 Q. So we don't know?

20 A. No, sir, but I can tell you I started this
21 when -- when I started the investigation.

22 Q. Okay. If you'll flip to the second page, I
23 want to make sure -- how many paragraphs do you have
24 there, sir, five?

25 A. On the second page?

1 Q. Yes, sir.

2 A. Yes, sir.

3 Q. Okay. Let's go back to the first page,
4 sir. You write, after -- and I'm on the last paragraph
5 here, paragraph four -- after reviewing all the video,
6 several officers were observed violating this policy on
7 the majority of their days worked.

8 Now, we don't -- we don't have any date
9 here as to when you were finished reviewing the video,
10 correct?

11 A. (No response.)

12 Q. It's not in here, correct?

13 A. Correct.

14 Q. You've told us here it took you some three
15 weeks or so to do that, but we don't have in here when
16 you began that or when you finished that, do we?

17 A. No, sir, you don't.

18 Q. Nevertheless, you say, after looking at
19 this, some officers had very few infractions while
20 others appeared to blatantly disobey this order by
21 spending several hours in the dispatch center --
22 sorry -- on multiple days of the month.

23 Did you write a report up for all of the
24 officers, Chief?

25 A. Did I write like a report?

1 Q. Yeah. You say, some officers had very few
2 infractions.

3 Did you write up a report for those
4 officers who had very few infractions?

5 A. I completed a log for each -- each of the
6 14 officers, yes, sir.

7 Q. Okay. So that is -- that log would be what
8 would be considered your review of everybody's --

9 A. Correct.

10 Q. -- time?

11 A. Yes, sir.

12 Q. All right. Supervisors on shift appear the
13 worst violators and are observed several times for hours
14 laid back in the chairs with their feet on the desk.

15 Several officers would come in while the
16 supervisors were in dispatch center and stay for hours
17 with the supervisor present.

18 At no time over the more than three months
19 of video observed did any supervisor appear to take any
20 kind of action to correct the behavior by the offending
21 officers.

22 You say there's more than three months of
23 video observed. What -- I thought you saw October,
24 November and December. That's three months, right?

25 A. Yes, sir.

1 Q. So where's the more than three months?

2 A. I did, after the fact, go back and look at
3 Lieutenant Dempsey's for January, but I didn't --

4 Q. But what --

5 A. -- I didn't need to include that in -- in
6 this.

7 Q. That's not in here, is it?

8 A. So it was -- it was more than three months.

9 Q. Is it in here --

10 A. No, sir.

11 Q. -- that you looked at Dempsey?

12 A. It's in my log for Lieutenant Dempsey, yes,
13 sir.

14 Q. Did -- did you look at any of these other
15 officers for January?

16 A. No, sir.

17 Q. Why not?

18 A. After the initial thing I was looking at it
19 I went through, completed my logs for the three months,
20 and at that point, after I viewed the video, I decided
21 that that was enough.

22 Q. Okay. But Chief, the email goes out on the
23 8th. That's about the time, I gather, that you start
24 looking at the videos, the 11th, 12th, maybe something
25 like that, correct -- of December?

1 A. What's the dates again that you gave?

2 Q. The email -- well, the -- the email went
3 out --

4 A. I know the email. The dates you said I
5 started to look?

6 Q. Well, according to this -- we don't know
7 for sure, but according to this, it says you got a
8 verbal complaint on December 11, so I'm just going by
9 this that at some point after the 11th you start looking
10 at these videos.

11 A. I looked at the one initial video first of
12 the 5th, and then it was -- I can't give you the exact
13 date, but it was a week or more for the IT department to
14 get here to put the software on the computers --

15 Q. Okay.

16 A. -- possibly up to two weeks. I can't give
17 you the exact date, sir.

18 Q. Okay. You -- but you went back as far back
19 as you could go --

20 A. Yes.

21 Q. -- on the video, right?

22 A. I did, yes, sir.

23 Q. And while you're going as far back as you
24 could go, you're not looking at how these officers are
25 doing from December 8, 9, 10, from after the email?

1 A. No, I did look at that, sir. I looked
2 at --

3 Q. Well, well after the fact, right?

4 A. I looked at all the way through the end of
5 December.

6 Q. Understood. And you -- I gather you did
7 this chronologically, so you start with --

8 A. Right.

9 Q. -- start with October, and then some two
10 weeks later or so you're up to December, maybe January,
11 right?

12 A. Possibly. I don't know how long it took me
13 to get through each month, but yes, sir.

14 Q. Okay. You -- you did not want to see how
15 these officers -- well, you -- your actions -- by your
16 actions you're showing you're not looking at what these
17 officers have done since the email of December 8, rather
18 you want to go back and see what they were doing in
19 October, correct?

20 A. Sir, that was my initial point in the first
21 place after I saw the -- the video from the 5th, that
22 it -- it was so egregious and I thought to myself that
23 this wasn't an isolated night that I just happened to
24 pick this night, so yes, sir, I wanted to see what had
25 been going on --

1 Q. So --

2 A. -- and I think that's part of my
3 responsibility.

4 Q. Are you saying that it really didn't matter
5 what these officers did after the email went out because
6 back in October and November they were so bad that they
7 had to be fired?

8 A. Sir, the email was put out --

9 Q. Uh-huh.

10 A. -- because my instinct told me that that
11 was going on after I saw that video and that I didn't
12 want them sitting down there any longer if they had
13 been.

14 If they hadn't been, that would have been
15 great, but they had been, and my instinct and what I
16 thought happened actually did happen and was backed up
17 by video.

18 Q. Okay.

19 A. Now, at that point I didn't want -- when --
20 when I told Chief Best to put out that email, in my gut
21 it told me what I was going to find, and I did not want
22 the officers sitting down there like I had witnessed on
23 the 5th and not be out here patrolling our streets.

24 Yes, I could have not said anything and
25 just went all the way through and watched all the video

1 and then done it, but that wouldn't have been fair to
2 the citizens of this community.

3 Q. Okay. My question, though, Chief, is that
4 the -- it did not matter to you what these officers did
5 after the December 8 email came out --

6 A. Sir --

7 Q. -- because --

8 A. -- it did matter.

9 Q. Hold on. Just -- it did -- it did matter?

10 A. It did matter.

11 Q. It did matter?

12 A. Yes, sir.

13 Q. Okay. All right. We'll get to that.
14 We'll look on the second page of the investigation.

15 MR. MORGAN: And I understand we have
16 some kind of time limit. I will not be done --

17 MR. JUETT: Okay.

18 MR. MORGAN: -- by quarter till five
19 or whenever it is that we need to break, so may -- I'll
20 just go up until I'm told to stop, okay, Mr. Mayor and
21 Commission members?

22 Q. All right, Chief. The second page here it
23 says, upon completion of all the logs for each officer I
24 went back and reviewed the videos for a second time.

25 A. Yes, sir.

1 Q. So as I gather from what this says -- and
2 we don't know the date or anything -- but you've gone
3 through all the video and you've written down who was
4 where and -- and all that, and then you go back and
5 watch it again?

6 A. The second time -- when I say I go -- went
7 back and reviewed the videos for a second time, that's
8 when I concentrated on the outside camera, and that was
9 mainly the supervisors.

10 Q. Okay. Well, let's look at that. It says,
11 this time I noted how long each supervisor remained at
12 headquarters during their shift. These times were also
13 noted on the log.

14 The three night shift supervisors were all
15 observed spending the majority of each shift at
16 headquarters and not on the streets supervising their
17 officers.

18 Two of the supervisors had an average of
19 half their shift being spent at headquarters with no
20 activity.

21 Now, nowhere in here do you say that you're
22 spending your time looking at the outdoor video camera,
23 correct?

24 A. Well, I know when -- when I tell myself,
25 this time I noted how long each supervisor remained at

1 headquarters, the only way I could tell that was to look
2 at the outside camera.

3 Q. Okay. So we -- we infer that from -- from
4 that language?

5 A. Yes, sir.

6 Q. When you say, two of the supervisors had an
7 average of half their shift with no activity, how do you
8 know they had no activity?

9 A. By the radio logs, sir.

10 Q. Okay. And not by any paperwork they may
11 have submitted, administrative actions or administrative
12 duties they performed?

13 A. No, sir, but they had no activity on the
14 radio.

15 Q. So we're going simply on the radio?

16 A. For the activity, yes, sir.

17 Q. Okay. Well, that's what the next paragraph
18 talks about. The radio logs were reviewed for the
19 officers and supervisors.

20 When you say the officers and supervisors,
21 you're talking about these five -- including Dempsey
22 would be six?

23 A. No, sir, I'm talking about all the
24 officers.

25 Q. Okay. Several discrepancies were found as

1 to the actual hours the officers worked and the hours
2 they had claimed on their time card.

3 So the other officers -- not just these
4 five, but the other ones had discrepancies also?

5 A. I didn't find any discrepancies, no, sir.

6 Q. Well, you say here you reviewed for the
7 officers and supervisors and several discrepancies were
8 found of -- as to the actual hours the officers worked.

9 A. Yes, sir, and --

10 Q. How do we know what we're -- that you're
11 talking about these now? In the second half of that
12 sentence you're only talking about these guys versus
13 the --

14 A. True.

15 Q. -- whole universe of Paris police officers?

16 A. That's true, sir --

17 Q. What's true?

18 A. -- but the only discrepancies found were
19 with these officers.

20 Q. Okay. So where you say the officers, in
21 the first part of this sentence you mean all Paris
22 police officers, but in the second part of the sentence
23 you're only talking about these officers -- these five
24 officers?

25 A. Yes, sir, that's correct.

1 Q. How do we -- how do we know -- how do we
2 track that? Where does that indicate and how does
3 your -- your report -- how is that written for -- to --
4 to guide us on that shift, that change?

5 A. Sir, this is -- this is a guidance -- this
6 is my investigation guidance for me. I know what I'm
7 talking about.

8 Q. Then why give it to the Commissioners?

9 A. To give them just a basis of how this
10 started.

11 Q. On a few occasions an officer and a
12 supervisor -- I'm sorry; I'm picking up here on the
13 second paragraph on the second page -- on a few
14 occasions an officer and a supervisor had claimed ten
15 hours worked and had no radio activity, were not seen on
16 video, nor was their ID used to gain access to
17 headquarters.

18 So what I take from the last part, the used
19 their ID to gain access, that's a card swipe --

20 A. Yes, sir.

21 Q. -- is that right?

22 A. Yes, sir.

23 Q. In any of the documents that we've been
24 provided does anything have any record of card swipes?

25 A. No, sir.

1 Q. Why not?

2 A. It wasn't included in my report.

3 Q. Well, but you mentioned it here.

4 A. Yes, sir, I did. It's something that I
5 checked.

6 Q. But you didn't provide us or the Commission
7 with a copy of these -- of these logs of the card
8 swipes, correct?

9 A. No, sir, I didn't.

10 Q. There were multiple nights -- picking back
11 up, I'm sorry -- there were multiple nights where the
12 radio log shows only when the supervisor advised they
13 were in service and the next transmission ten hours
14 later was that they were out of service.

15 A. Yes, sir.

16 Q. Chief, the -- as I understand the Paris
17 Police Department hierarchy, you're at the top?

18 A. Yes, sir.

19 Q. Next comes the assistant?

20 A. Yes, sir.

21 Q. Next comes the captain?

22 A. Yes, sir.

23 Q. And then come the lieutenants?

24 A. Yes, sir.

25 Q. And then come patrol?

1 A. Yes, sir.

2 Q. So between you and Assistant Chief Best
3 there's Captain Elkin, and then come these lieutenants?

4 A. Yes, sir.

5 Q. I gather from looking at this and from
6 hearing your testimony and the -- and the shock that
7 you've had in -- in -- in your investigation that you
8 never talked to your lieutenants, you did not look at
9 their performance, you did not look at their reports at
10 any time until December of 2015, correct?

11 A. What reports are you referring to, sir?

12 Q. Well, I'm talking about these reports, sir,
13 these -- where you say that their card swipes show that
14 they're in headquarters, where there's inactive radio
15 activity, where they're not doing a darn thing for ten
16 hours.

17 A. No, sir. You asked me if I'd looked at
18 their reports.

19 Q. Uh-huh.

20 A. I'm asking what --

21 Q. Oh, I'm talking --

22 A. -- their reports that I should be looking
23 at.

24 Q. How about what they're doing, what
25 they're -- what they're doing with their job, their --

1 the number of arrest reports that they're processing,
2 the administrative actions that they're taking with
3 their -- with their patrol officers.

4 A. Sir, I get a shift report daily.

5 Q. And you just rely on that? You're taking
6 it at face value?

7 A. I -- I put them in place to be supervisors.
8 They should be reporting it to me. I mean --

9 Q. So --

10 A. -- why -- why if they're not going to do it
11 should I question that.

12 Q. All right. Fair. That's a good question,
13 because the daily reports are coming to you, the shift
14 reports are coming to you.

15 A. Yes, sir.

16 Q. You're looking at it. You don't see
17 anything out of the ordinary -- wrong, improper or
18 otherwise, correct?

19 A. Unless I go back and check, no, sir.

20 Q. So by looking at what these officers are
21 turning in to you, it looks like they're doing their
22 job, right?

23 A. As I said several times, there are many
24 nights that said no significant activity to report, and
25 you can ask the Commission and the Mayor how many

1 reports they got like that.

2 Now, was there -- was there activity? I
3 don't know because it was never turned in to me.

4 Q. Well --

5 A. But -- but going back and looking,
6 apparently there was many nights where there was no
7 activity.

8 Q. Chief, you and -- and many of the people in
9 here pride themselves on Paris being a safe city --

10 A. Absolutely --

11 Q. -- correct?

12 A. -- sir.

13 Q. And a lot of it has to do with the actions
14 of these men, right?

15 A. (No response.)

16 Q. Are you saying no?

17 A. It could have been a lot safer, sir.
18 I'll -- I'll answer it that way.

19 MAYOR THORNTON: Excuse me. Excuse
20 me. Keep it down.

21 Q. Chief, point to us one incident -- well,
22 I've already asked about that.

23 You don't have any proof that something
24 occurred that these guys weren't there to stop, correct?

25 A. Sir, we have crimes all the time as in cars

1 getting broken into. If these guys are sitting in
2 dispatch, how do they deter that?

3 Q. Well, they respond to calls.

4 How is it if they're sitting in -- is it --
5 tell me, is there a policy or regulation that prohibits
6 them from sitting in the -- in the Hardee's restaurant
7 parking lot?

8 A. No, there's not.

9 Q. How about at the Walmart?

10 A. No, sir.

11 Q. How about just on any random street?

12 A. No, sir.

13 Q. And had they done that -- is that a safe
14 thing for those officers to do, to be in -- in their car
15 alone on a random street just parked there?

16 A. My answer to that is, sir, they should not
17 be parked anywhere for that long, the time -- the time
18 frames that they were in this building. I don't care
19 where it is.

20 And I can't regulate every place and make a
21 policy to say, you can't be at Hardee's for more than 30
22 minutes or you can't be at Walmart for 30 minutes.
23 That's something that should be known.

24 Q. Okay. You're the boss, though, Chief?

25 A. Absolutely.

1 Q. And you can't make that known?

2 A. It -- it has been made known, sir, that
3 they're not to be sitting for hours at a time and
4 they're not to be in this building and in dispatch for
5 hours at a time.

6 Q. And it's been known through word of mouth,
7 right?

8 A. Yes, sir.

9 Q. There's no piece of paper -- we're never,
10 ever -- this Commission is never, ever going to see --
11 as far as this case goes -- any piece of paper that says
12 to these officers, you can't stay in dispatch or park at
13 Hardee's or sit on any random road, correct?

14 A. No, I've given out several pieces of paper
15 we've talked about staying out of dispatch.

16 Q. Those are -- well, we'll get to that I
17 guess tomorrow or whenever we need to take a break, but
18 let me finish up here --

19 A. Yes, sir.

20 Q. -- with this investigation.

21 The third paragraph here says, on
22 February 5, 2016, and February 6, 2016, I and Assistant
23 Chief Best hand delivered a packet to each offending
24 officer and supervisor.

25 And that includes more than just these

1 officers here, correct, Chief?

2 A. That's correct, sir.

3 Q. How many others?

4 A. Actually, on that day it would have been 13
5 out of the 14. I had one on maternity leave.

6 Q. Okay. So on these two days, on the 5th and
7 6th --

8 A. Yes.

9 Q. -- half of the force gets a packet saying
10 that they've somehow offended -- that they're an
11 offending officer and supervisor?

12 A. Yes, sir.

13 Q. Half the force?

14 A. Yes, sir.

15 Q. Half of your force?

16 A. Yes, sir.

17 Q. The force that you've been either chief or
18 assistant chief of for more than five years?

19 A. Yes, sir.

20 Q. At what point do you take responsibility
21 for this, Chief?

22 A. I'm taking responsibility for it now, sir.

23 Q. By firing these guys?

24 A. I'm trying to rectify the problem.

25 Q. By firing these guys?

1 A. Yes, sir.

2 Q. You fire them and that helps you -- that
3 helps you take responsibility for this?

4 A. That is me taking responsibility for this
5 department and making sure that things run as efficient
6 as they can and providing the best service that we can
7 for this community, yes, sir.

8 Q. So this community here, having at least a
9 quarter of its police force -- they're being served by
10 your wholesale firing of these officers?

11 A. All shifts are being covered, sir.

12 Q. I hope so.

13 A. They are.

14 Q. Picking up here on the third paragraph it
15 says, contained in the packets were a schedule of each
16 month asking for justification for the particular days
17 that the officer or supervisor had remained in the
18 dispatch center or headquarters for an extended period
19 of time, a list of questions asking for explanations or
20 justifications for the discrepancies on their time cards
21 and a justification for no activity logged for an entire
22 shift.

23 So the discrepancies in time cards was not
24 limited to these five men, correct?

25 A. No, sir, the only discrepancies that I

1 believe I found was with these five men, possibly -- I
2 don't remember if Dempsey had any or not. I'm sorry.

3 Q. Okay. And do you have -- and -- but you
4 don't have a report on that; all you have is a report of
5 the dispatch time for all of the officers, correct?

6 A. I don't have what kind of reports?

7 Q. You don't have a report, any kind of a
8 piece of paper that says, only these guys and maybe
9 Dempsey had discrepancies in their time cards, but the
10 other half of the force didn't have discrepancies with
11 time cards, rather the rest of the half of the force,
12 only their discrepancies or their problems pertained to
13 dispatch?

14 A. Sir, if there was a discrepancy with
15 another officer's time, then that would have been a
16 charge on them also, so I would have had that report.

17 Q. Okay. So what my -- going back to my
18 original question --

19 A. Yes, sir.

20 Q. -- you did a log for all of these -- for
21 all of the officers -- not just these five --

22 A. Correct.

23 Q. -- but for the rest -- on when you see them
24 in dispatch?

25 A. Yes, sir.

1 Q. And that is the only log or the only record
2 that mentions other officers involved in your
3 investigation besides these guys and Dempsey, correct?

4 MS. JACOBS: I'm sorry; can you ask
5 that question again?

6 THE WITNESS: Yeah.

7 Q. Well, if you need it, Chief, I'll ask --

8 A. Please. I'm kind of --

9 MS. JACOBS: Well, I'm asking you to
10 clarify the question.

11 Q. Do you -- do you have -- you had a record
12 here that you kept track of who was in dispatch,
13 correct?

14 A. Correct.

15 Q. And you noted their times and dates and all
16 that sort -- well, I guess really --

17 MR. MORGAN: May I?

18 MS. JACOBS: Yes.

19 Q. Is this record here -- and I think this was
20 originally given also to the Commissioners, right?

21 A. Yes, sir.

22 Q. Is this the one and only record that you
23 have that pertains to your investigation of the entire
24 police department?

25 A. No, sir.

1 Q. Where is the other records for the other
2 officers? Where are the other records for the other
3 officers?

4 A. I have all the records, sir --

5 Q. Okay.

6 A. -- and it all includes what these officers
7 have for every officer. I can pull up any officer here.

8 MS. JACOBS: Well, I'm going to object
9 to the relevancy of the other officers there. We're
10 only talking about these officers here.

11 MR. MORGAN: Okay. What we got was,
12 Commission members and Mr. Mayor, is this single-page
13 report here with the time percentages on it.

14 Q. Well, so my -- my question, Chief, goes
15 back to, looking at the issue involving time records --

16 A. Yes, sir.

17 Q. -- and discrepancies with times, radio
18 logs, things like that --

19 A. Yes, sir.

20 Q. -- are you saying that these other officers
21 that -- that are mentioned here where they've been
22 assigned counseling or reprimand or whatever, they
23 didn't have any --

24 A. None that I --

25 Q. -- issues?

1 A. None that I found, sir, no, sir.

2 Q. They may have?

3 A. Possibly, but none that I found.

4 Q. Okay. Why do you think that -- well, what
5 did you do to try to figure out whether they did have
6 time discrepancies?

7 A. The way I looked at the time discrepancies
8 and the way I found them, if I saw an officer on video
9 or knew that they should be working according to the
10 schedule -- I'm sorry; let me back up.

11 According to the schedule, if they weren't
12 on video, I went back and looked to see what their time
13 card was, and then I started pulling radio logs because
14 some of them showed up later on the video, and it showed
15 that -- or if they didn't show up at roll call at the
16 exact time, if they showed up an hour later, that's when
17 I went to -- to try to find the -- the time
18 discrepancies, so --

19 Q. Well, Chief, isn't it true that the only
20 ones that you looked into for time discrepancies are
21 these five plus Dempsey?

22 A. No, sir, absolutely not.

23 Q. Okay.

24 A. If there was a discrepancy on the video, I
25 would -- on the other officers, I would look at that

1 too.

2 MR. JUETT: Mr. Morgan, if you're
3 moving forward, it's 4:50 --

4 MR. MORGAN: Okay.

5 MR. JUETT: -- and we've got a
6 Commissioner that --

7 MR. MORGAN: Understood.

8 MR. JUETT: -- has to leave --

9 MR. MORGAN: Right.

10 MR. JUETT: -- and we've been at it
11 for eight hours, so everybody can call it a day.

12 We will need to reconvene the meeting.
13 Due to the open record -- or rather open meetings
14 requirements we cannot reconvene before Wednesday
15 because we have to post the time for doing that, so at
16 this point I guess we'll -- is Wednesday good?

17 MAYOR THORNTON: Does Wednesday work
18 for you all, 9:00 --

19 COMMISSIONER PERRAUT: We'll make it
20 happen.

21 MAYOR THORNTON: -- same place? Will
22 that work?

23 COMMISSIONER PERRAUT: Yes, sir, thank
24 you.

25 MR. MORGAN: We'll be here.

1 MR. BEAUMAN: Since we have all three
2 TV stations and the newspaper, we'll still do the
3 written agenda, but you all are on notice that we'll
4 reconvene on Monday at 9:00 a.m.

5 MAYOR THORNTON: Wednesday.

6 MS. JACOBS: Wednesday.

7 MR. BEAUMAN: Wednesday -- excuse
8 me -- Wednesday at 9:00 a.m.

9 MR. JUETT: And I'll just remind
10 everybody of the 15.520 requirements that no statements
11 can be made either by the Commission or the officers
12 about anything to do with this.

13 COMMISSIONER BROOKS: So moved.

14 COMMISSIONER GRAY: Second.

15 MR. PLUMMER: We'll have to vote on
16 that too. All in favor?

17 COMMISSIONER PERRAUT: Aye.

18 COMMISSIONER GRAY: Aye.

19 COMMISSIONER BROOKS: Aye.

20 COMMISSIONER GALBRAITH: Aye.

21 MAYOR THORNTON: Aye.

22 MR. PLUMMER: All opposed?

23 (No response.)

24 (PROCEEDINGS ADJOURNED AT 4:54.)

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STATE OF KENTUCKY)
COUNTY OF FAYETTE)

I, REBECCA FELLA, Registered Professional Reporter and Notary Public, State of Kentucky at Large, whose commission as such will expire March 26, 2018, do hereby certify that the foregoing proceedings were taken by me at the time, place, for the purpose and with the appearances set forth herein; that the same was taken down by me in stenotype in the presence of the parties and thereafter correctly transcribed by me upon computer; and that the witnesses were duly placed under oath by me prior to giving testimony.

I further certify that I am not related to nor employed by any of the parties to this action or their respective counsel and have no interest in this litigation.

Given under my hand, this 9th day of March, 2016.

Rebecca Fella

REBECCA FELLA, RPR
Registered Professional Reporter
Notary Public, State-at-Large

Paris City Commission
Commission Chambers
Paris, Kentucky
February 22, 2016

The Paris City Commission met in a special session at 9:00 a.m. Monday, February 22, 2016. Mayor Michael Thornton called the meeting to order.

Council for the City of Paris:
Patsey E. Jacobs and Bryan H. Beauman with Sturgill, Turner, Barker & Moloney, PLLC

Counsel for the Police Officers:
Luke Morgan and Daniel E. Whitley, Senior with McBrayer, McGinnis, Leslie & Kirkland, PLLC

Council for the City:
Robert Temple Juett with Law Office of Robert Temple Juett

Also Present:
Commissioner Matt Perraut, Commissioner Tim Gray, Commissioner Wallis Brooks, Commissioner Stan Galbraith, City Manager John Plummer, Police Chief Robert A. Williams, Kevin Anderson, Abdullah Bholat, John L. Humphries, Robert Puckett, J.P. Primm

City Manager John Plummer determined a quorum was present for the transaction of business at 9:01 a.m. on February 22nd, 2016. Thornton proceeded to conduct the meeting.

Motion by Commissioner Brooks, seconded by Commissioner Gray to adjourn the meeting at 4:54 p.m. on February 22, 2016 the motion carried 5-0 with Mayor, Thornton, Commissioners Perraut, Gray, Brooks, and Galbraith voting Aye.

Mayor

Attest:

City Clerk/Treasurer

Documented by: Rebecca Fella Registered Professional Reporter
Prepared by: Stephanie Settles